

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

*In re:* PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

MDL No. 1456

Civil Action No. 01-12257-PBS

**THIS DOCUMENT RELATES TO:**

Hon. Patti B. Saris

*United States ex rel. Edward West v. Ortho-McNeil Pharmaceutical, Inc.*

Subcategory Docket No. 06-12299-PBS

**RELATOR’S COUNSEL’S STATEMENT OF NON-OPPOSITION TO DEFENDANT’S  
RULE 25(a)(1) MOTION TO DISMISS DUE TO DEATH OF RELATOR**

Relator Ed West passed away on November 11, 2008. Mr. West's daughter, Victoria P. Kasdan, has been appointed Representative of Mr. West's estate, and she has advised undersigned counsel that she will not seek to have the Estate substituted for Mr. West in this matter.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, George A Zelcs, certify that on April 8, 2009, I electronically filed the foregoing document with the Clerk of the Court for the District of Massachusetts using the court's CM/ECF system. A copy of the foregoing also has been served on the following individuals by depositing a copy in the U.S. mail, first-class postage pre-paid:

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